



9110-04-P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

### **33 CFR Part 165**

**[Docket Number USCG-2017-1112]**

**RIN 1625-AA00**

### **Safety Zones; Annual Events in the Captain of the Port Buffalo Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

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**SUMMARY:** The Coast Guard is amending its safety zones regulation for Annual Events in the Captain of the Port Buffalo Zone. This amendment updates 12 permanent safety zones and adds 12 new permanent safety zones. These amendments and additions are necessary to protect spectators, participants and vessels from the hazards associated with annual maritime events, including fireworks displays, boat races, and air shows.

**DATES:** This rule is effective **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2017-1112 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716-843-9322, e-mail [D09-SMB-SECBuffalo-WWM@uscg.mil](mailto:D09-SMB-SECBuffalo-WWM@uscg.mil).

## **SUPPLEMENTARY INFORMATION:**

### **I. Table of Abbreviations**

CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FR	<b>Federal Register</b>
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code

### **II. Background Information and Regulatory History**

On April 19, 2018, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) titled Safety Zones; Annual Events in the Captain of the Port Buffalo Zone. There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this amendment to the CFR. During the comment period that ended May 21, 2018, we received no comments.

### **III. Legal Authority and Need for Rule**

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The purpose of this rule is to update the safety zones in 33 CFR 165.939 to ensure accuracy of times, dates, and dimensions for various triggering and marine events that are expected to be conducted within the Captain of the Port Buffalo Zone throughout the year. The purpose of the rulemaking is also to ensure vessels and persons are protected from the specific hazards related to the aforementioned events. These specific hazards include obstructions in the waterway that may cause marine casualties; collisions among vessels maneuvering at a high speed within a channel; the explosive dangers involved in pyrotechnics and hazardous cargo; and flaming/falling debris into the water that may cause injuries.

#### **IV. Discussion of Comments, Changes, and the Rule**

As noted above, we received no comments on our NPRM published April 19, 2018. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule amends 12 permanent safety zones found within table 165.939 of 33 CFR 165.939. These 12 amendments involve updating the location, size, and/or enforcement times.

Additionally, this rule adds 12 new safety zones to table 165.939 within § 165.939 for annually reoccurring events in the Captain of the Port Buffalo Zone. These 12 zones were approved and published in the federal register as temporary safety zones in 2017 and were added in order to protect the public from the safety hazards previously described. A list of specific changes and additions are available in the attachments within this Docket.

The Captain of the Port Buffalo has determined that the safety zones in this rule are necessary to ensure the safety of vessels and people during annual marine or triggering events in the Captain of the Port Buffalo zone. Although this rule will be effective year-round, the safety zones in this rule will be enforced only immediately before, during, and after events that pose a hazard to the public and only upon notice by the Captain of the Port Buffalo.

The Captain of the Port Buffalo will notify the public that the zones in this rule are or will be enforced by all appropriate means to the affected segments of the public, including publication in the Federal Register, as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners.

All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port Buffalo or his or her designated representative. Entry into, transiting, or anchoring within

the safety zones is prohibited unless authorized by the Captain of the Port or his or her designated representative. The Captain of the Port or his or her designated representative may be contacted via VHF Channel 16.

## **V. Regulatory Analyses**

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders, and we discuss First Amendment rights of protestors.

### **A. Regulatory Planning and Review**

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the characteristics of the safety zones. The safety zones created by this rule will be relatively small and are designed to minimize their impact on navigable waters. Furthermore, the safety zones have been designed to allow vessels to transit around them. In addition, the safety zones will have built in times to allow vessels to travel through when situations allow. Thus, restrictions on vessel movement within each particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

### *B. Impact on Small Entities*

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the FOR FURTHER INFORMATION CONTACT section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-

888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the FOR FURTHER INFORMATION CONTACT section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the

aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### *F. Environment*

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of recurring annual safety zones. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 01.

#### *G. Protest Activities*

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the FOR FURTHER INFORMATION CONTACT section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### **List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### **PART 165- REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

2. Revise § 165.939 to read as follows:

**§ 165.939 Safety Zones; Annual Events in the Captain of the Port Buffalo Zone.**

(a) **Regulations.** (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

(5) The enforcement dates and times for each of the safety zones listed in Table 165.939 are subject to change, but the duration of enforcement would remain the same or nearly the same total number of hours as stated in the table. In the event of a change, the Captain of the Port Buffalo will provide notice to the public by publishing a Notice of Enforcement in the Federal Register, as well as, issuing a Broadcast Notice to Mariners.

(b) **Definitions.** The following definitions apply to this section:



(1) *Designated representative* means any Coast Guard commissioned, warrant, or petty officers designated by the Captain of the Port Buffalo to monitor a safety zone, permit entry into a safety zone, give legally enforceable orders to persons or vessels within a safety zone, and take other actions authorized by the Captain of the Port Buffalo.

(2) *Public vessel* means a vessel that is owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(3) *Rain date* refers to an alternate date and/or time in which the safety zone would be enforced in the event of inclement weather.

(c) Suspension of enforcement. The Captain of the Port Buffalo may suspend enforcement of any of these zones earlier than listed in this section. Should the Captain of the Port suspend any of these zones earlier than the listed duration in this section, he or she may make the public aware of this suspension by Broadcast Notice to Mariners and/or on-scene notice by his or her designated representative.

(d) Exemption. Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) Waiver. For any vessel, the Captain of the Port Buffalo or his or her designated representative may waive any of the requirements of this section upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or security.

**Table 165.939**

Event	Location <sup>1</sup>	Enforcement date and time <sup>2</sup>
<b>(a) June Safety Zones</b>		
(1) Festival of the Fish	<p>Vermillion, OH.</p> <p>All U.S waters within a 420 foot radius of the fireworks launch site located at position 41°25'45" N AND 082°21'54"W, (NAD 83).</p>	The 3 <sup>rd</sup> Saturday in June.
(2) City of Syracuse Fireworks Celebration	<p>Syracuse, NY</p> <p>All U.S. waters of Onondaga Lake within a 350 foot radius of land position 43°03'37.0"N, 076°09'59.0"W in Syracuse, NY.</p>	The last weekend of June.
(3) Rochester Harbor and Carousel Festival	<p>Rochester, NY</p> <p>All U.S. waters of Lake Ontario within a 1,120 foot radius of land position 43°15'40.2"N, 077°36'05.1"W in Rochester, NY.</p>	The 4 <sup>th</sup> Monday of June.
(4) Seneca River Days	<p>Baldwinsville, NY</p> <p>All U.S. waters of the Seneca River within an 840 foot radius of land position 43°09'25.0"N, 076°20'21.0"W in Baldwinsville, NY.</p>	The 2 <sup>nd</sup> weekend of June.
(5) Flagship Niagara Mariner's Ball Fireworks	<p>Erie, PA.</p> <p>All waters of Presque Isle Bay, Erie, PA within a 350-foot radius from the launch site located at position 42°08'22.5"N, 080°05'15.6"W.</p>	The 1 <sup>st</sup> weekend in June.
(6) Hope Chest Buffalo Niagara Dragon Boat Festival	<p>Buffalo, NY</p> <p>All waters of the Buffalo River, Buffalo, NY starting at position 42°52'12.0"N, 078°52'17.0"W then Southeast to 42°52'03.0"N, 078°52'12.0"W then East to 42°52'03.0"N, 078°52'10.0"W then Northwest to 42°52'13.0"N, 078°52'16.0"W and then returning to the point of origin</p>	The 3 <sup>rd</sup> weekend in June.

Event	Location <sup>1</sup>	Enforcement date and time <sup>2</sup>
<b>(b) July Safety Zones</b>		
(1) Cleveland Triathlon	Cleveland, OH. All U.S. waters of Lake Erie at North Coast Harbor, Cleveland, OH within 100 feet of a line starting at position 41°30'34.6" N and 081°41'51.3" W extending in a straight line to the East Basin Breakwall at position 41°30'51.8" N and 081°42'08.5" W.	The 4 <sup>th</sup> or 5 <sup>th</sup> Sunday in July.
(2) Roverfest Fireworks Display	Cleveland, OH. All U.S. waters of Lake Erie, Cleveland, OH within a 280 foot radius from position 41°30'34.23"N and 081°08'55.73"W.	The 2 <sup>nd</sup> or 3 <sup>rd</sup> weekend in July.
(3) High Speed Boat Races	Fairport, OH  All U.S. waters of Lake Erie, off of Headlands Beach State Park, Fairport, OH inside an area starting on shore at position 41°44'33"N, 081°19'14"W extending NW in a straight line to position 41°45'00"N, 081°19'35"W, then NE in a straight line to position 41°45'59"N, 081°17'30"W, and SE back to the shore at position 41°45'43"N, 081°17'08"W	The 3 <sup>rd</sup> weekend in July.
(4) Downtown Cleveland Alliance July 4 <sup>th</sup> Fireworks	Cleveland, OH  All U.S. waters of Lake Erie and Cleveland Harbor within a 1,000-foot radius of land position 41°30'10" N, 081°42'36" W (NAD 83) at Dock 20.	On or around the 4 <sup>th</sup> of July.
(5) Mentor Harbor Yacht Club Fireworks	Mentor, OH  All U.S. waters of Lake Erie and Mentor Harbor within a 700 foot radius of land position 41°43'36" N, 081°21'09" W.	On or around the 4 <sup>th</sup> of July.

(6)	Parade of Lights	Cleveland, OH  All U.S. waters within 25 feet of the vessels participating in the Cleveland Parade of Lights in the Cuyahoga River. The safety zone will move with participating vessels as they transit from the mouth of the Cuyahoga River in the vicinity of position 41°29'59"N, 081°43'31"W, to Merwin's Wharf in the vicinity of 41°29'23"N, 081°42'16"W, and returning to the mouth of the Old River at 41°29'55"N, 081°42'18"W.	The 3 <sup>rd</sup> or 4 <sup>th</sup> weekend in July.
(7)	Lorain Independence Day Celebration	Lorain, OH  All U.S waters within a 700 foot radius of the fireworks launch site located at position 41° 28' 35.42"N and 082° 10' 51.28"W.	On or around the 4 <sup>th</sup> of July.
(8)	Conneaut Festival	Conneaut, OH  All U.S waters within a 570 foot radius of the fireworks launch site located at position 41° 58' 00.43"N and 080° 33' 34.93"W.	On or around the 4 <sup>th</sup> of July.
(9)	Fairport Harbor Mardi Gras	Fairport, OH  All U.S waters within a 275 foot radius of the fireworks launch site located at position 41° 45' 29.55"N and 081° 16' 19.97"W.	On or around the 4 <sup>th</sup> of July.
(10)	Sheffield Lake Community Days	Sheffield Lake, OH  All U.S. waters of Lake Erie and Sheffield Lake Boat ramp within a 350 foot radius of land position 41°29'27.65" N, 082°6'47.71" W.	The 2 <sup>nd</sup> weekend in July.
(11)	Bay Village Independence Day Celebration	Bay Village, OH  All U.S waters within a 560 foot radius of the fireworks launch site located at position 41° 29' 23.9"N and 081° 55' 44.5"W.	On or around the 4 <sup>th</sup> of July.

(12)	Lake Erie Open Water Swim	Cleveland, OH  All U.S. waters of Lake Erie, south of a line drawn between positions 41° 29' 30"N, 081° 44' 21"W and 41° 29' 21"N, 081° 45' 04"W to the shore.	The 2 <sup>nd</sup> or 3 <sup>rd</sup> weekend in July.
(13)	Boldt Castle 4 <sup>th</sup> of July Fireworks	Heart Island, NY. All U.S. waters of the Saint Lawrence River within a 1,120 foot radius of land position 44°20'38.5"N, 075°55'19.1"W at Heart Island, NY.	On or around the 4 <sup>th</sup> of July.
(14)	Clayton Chamber of Commerce Fireworks	Calumet Island, NY. All U.S. waters of the Saint Lawrence River within an 840 foot radius of land position 44°15'04.0"N, 076°05'40"W at Calumet Island, NY.	On or around the 4 <sup>th</sup> of July.
(15)	French Festival Fireworks	Cape Vincent, NY  All U.S. waters of the Saint Lawrence River within an 840 foot radius of land position 44°07'54.6.0"N, 076°20'01.3"W in Cape Vincent, NY.	The 2 <sup>nd</sup> weekend of July.
(16)	Lyme Community Days	Chaumont, NY  All U.S. waters of Chaumont Bay within a 560 foot radius of land position 44°04'06.3"N, 076°08'56.8"W in Chaumont, NY.	The 4 <sup>th</sup> weekend of July.
(17)	Village Fireworks	Sackets Harbor, NY  All U.S. waters of Black River Bay within an 840 foot radius of land position 43°56'51.9"N, 076°07'46.9"W in Sackets Harbor, NY.	On or around the 4 <sup>th</sup> of July.
(18)	Can-Am Festival	Sackets Harbor, NY  All U.S. waters of Black River Bay within a 1,120 foot radius of land position 43°57'15.9"N, 076°06'39.2"W in Sackets Harbor, NY.	The 3 <sup>rd</sup> weekend of July.

(19)	Brewerton Fireworks	Brewerton, NY  All U.S. waters of Lake Oneida within an 840 foot radius of the barge at position 43°14'16.4"N, 076°08'03.6"W in Brewerton, NY.	On or around the 4 <sup>th</sup> of July.
(20)	Celebrate Baldwinsville Fireworks	Baldwinsville, NY  All U.S. waters of the Seneca River within a 700 foot radius of land position 43°09'24.9"N, 076°20'18.9"W in Baldwinsville, NY.	The 1 <sup>st</sup> weekend of July.
(21)	Island Festival Fireworks	Baldwinsville, NY  All U.S. waters of the Seneca River within a 1,120 foot radius of land position 43°09'22.0"N, 076°20'15.0"W in Baldwinsville, NY.	The 1 <sup>st</sup> weekend of July.
(22)	Village Fireworks	Sodus Point, NY  All U.S. waters of Sodus Bay within a 1,120 foot radius of land position 43°16'28.7"N, 076°58'27.5"W in Sodus Point, NY.	On or around the 4 <sup>th</sup> of July.
(23)	A Salute to our Heroes	Hamlin Beach State Park, NY  All U.S. waters of Lake Ontario within a 560 foot radius of land position 43°21'51.9"N, 077°56'59.6"W in Hamlin, NY.	The 1 <sup>st</sup> weekend in July.
(24)	Olcott Fireworks	Olcott, NY  All U.S. waters of Lake Ontario within a 1,120 foot radius of land position 43°20'23.6"N, 078°43'09.5"W in Olcott, NY.	On or around the 4 <sup>th</sup> of July.

(25)	North Tonawanda Fireworks	North Tonawanda, NY  All U.S. waters of the East Niagara River within a 1,400 foot radius of land position 43°01'39.6"N, 078°53'07.5"W in North Tonawanda, NY	On or around the 4 <sup>th</sup> of July.
(26)	Tonawanda's Canal Fest Fireworks	Tonawanda, NY  All U.S. waters of the East Niagara River within a 210 foot radius of land position 43°01'17.8"N, 078°52'40.9"W in Tonawanda, NY.	The 4 <sup>th</sup> Sunday of July.
(27)	Tom Graves Memorial Fireworks	Port Bay, NY. All waters of Port Bay, NY, within a 840 foot radius of the barge located in position 43°17'52.4"N, 076°49'55.7"W in Port Bay, NY.	On or around the 3 <sup>rd</sup> of July.
(28)	Oswego Harborfest, Oswego, NY	Oswego, NY. All waters of Oswego Harbor, Oswego, NY contained within a 700 foot radius of position 43°28'06.9"N, 076°31'08.1"W along with a 350 foot radius of the breakwall between positions 43°27'53.0"N, 076°31'25.3"W then Northeast to 43°27'58.6"N, 076°31'12.1"W.	The last week of July.
(29)	Oswego Independence Day Celebration Fireworks	Oswego, NY. All waters of Lake Ontario, Oswego, NY within a 490-foot radius from the launch site located at position 43°27'55.8"N, 076°30'59.0"W.	On or around the 4 <sup>th</sup> of July.

Event	Location <sup>1</sup>	Enforcement date and time <sup>2</sup>
<b>(c) August Safety Zones</b>		
(1) Whiskey Island Paddlefest	Cleveland, OH. All U.S. waters of Lake Erie; Cleveland Harbor, from 41° 29'59.5"N and 081° 42' 59.3" W to 41° 30'4.4"N and 081° 42' 44.5" W to 41° 30'17.3"N and 081° 43' 0.6" W to 41° 30'9.4"N and 081° 43' 2.0" W to 41° 29'54.9"N and 081° 43' 34.4" W to 41° 30'0.1"N and 081° 43' 3.1" W and back to 41° 29'59.5"N and 081° 42' 59.3" W (NAD 83).	The 3 <sup>rd</sup> or 4 <sup>th</sup> weekend in August.
(2) D-Day Conneaut	Conneaut, OH. All U.S. waters of Conneaut Township Park, Lake Erie, within an area starting at 41°57.71'N, 080°34.18'W, to 41°58.36'N, 080°34.17'W, then to 41°58.53'N, 080°33.55'W, to 41°58.03'N, 080°33.72'W (NAD 83), and returning to the point of origin.	The 3 <sup>rd</sup> weekend in August.
(3) Celebrate Erie Fireworks	Erie, PA  All U.S. waters of Presque Isle Bay within an 800 foot radius of land position 42°08'19.0"N, 080°05'29.0"W in Erie, PA.	The 3 <sup>rd</sup> weekend of August.
(4) Thunder on the Niagara Hydroplane Boat Races	North Tonawanda, NY  All U.S. waters of the Niagara River near the North Grand Island Bridge, encompassed by a line starting at 43°03'32.9"N, 078°54'46.9"W to 43°03'14.6"N, 078°55'16.0"W then to 43°02'39.7"N, 078°54'13.1"W then to 43°02'59.9"N, 078°53'42.0"W and returning to the point of origin.	The 2 <sup>nd</sup> weekend of August.



Event	Location <sup>1</sup>	Enforcement date and time <sup>2</sup>
<b>(d) September Safety Zones</b>		
(1) Madison Light Up the Park	Madison Township, OH. All U.S. waters of Lake Erie, within a 210 ft radius of position 41°50'17"N and 081°02'51"W (NAD 83).	The 1 <sup>st</sup> weekend in September.
(2) Cleveland National Airshow	Cleveland, OH  All U.S. waters of Lake Erie and Cleveland Harbor (near Burke Lakefront Airport) from position 41°30'20"N and 081°42'20"W to 41°30'50"N and 081°42'49"W, to 41°32'09"N and 081°39'49"W, to 41°31'53"N and 081°39'24"W, then return to the original position (NAD 83).	The Wednesday before Labor Day through Labor Day.
(3) Head of the Cuyahoga	Cleveland, OH. All U.S. waters of the Cuyahoga River, between a line drawn perpendicular to the river banks from position 41°29'55" N, 081°42'23" W (NAD 83) just past the Detroit-Superior Viaduct bridge at MM 1.42 of the Cuyahoga River south to a line drawn perpendicular to the river banks at position 41°28'32" N, 081°40'16" W (NAD 83) just south of the Interstate 490 bridge at MM 4.79 of the Cuyahoga River.	The 3 <sup>rd</sup> weekend in September.

<sup>1</sup> All coordinates listed in Table 165.929 reference Datum NAD 1983.

<sup>2</sup> As noted in paragraph (a)(3) of this section, the enforcement dates and times for each of the listed safety zones are subject to change, and will be published in a Notice of Enforcement prior to the event.

Dated: May 29, 2018

JOSEPH S. DUFRESNE,

Captain, U. S. Coast Guard,

Captain of the Port Buffalo.

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